



**THE ATTORNEY GENERAL
OF TEXAS
AUSTIN, TEXAS**

**PRICE DANIEL
ATTORNEY GENERAL**

June 5, 1948

Hon. C. E. Belk, Administrator
Board of Plumbing Examiners
Austin, Texas

Opinion No. V-599.

Re: Legality of a public
service company's pip-
ing a building for
natural gas without
a State plumbing li-
cense.

Dear Mr. Belk:

We quote from your recent request for an opin-
ion in part as follows:

"Under Section 3, paragraph (c) of Senate Bill 188, 50th Legislature, (The Plumbing License Law of 1947) a public service company is exempt from the license requirement in the laying, maintenance and operation of its service mains or lines and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances. The question has been raised as to whether or not this gives to these companies the permission to pipe houses for natural gas. This house piping could apply to either new construction or re-modeled construction." (Parenthetical addition ours)

The exemption to which you refer reads:

"Sec. 3. The following acts, work and conduct shall be expressly permitted without license:

"(c) . . . plumbing work done by persons engaged by any public service company in the laying, maintenance and operation of its service mains or lines and the installation, alteration, adjustment, repair,

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removal and renovation of all types of appurtenances, equipment, and appliances;
. . ."

At the outset, we would note that the exemption with which we are concerned refers only to "persons engaged by any public service company." This Department held in Opinion V-333 that only a natural person may be issued any license authorized by the Plumbing License Law of 1947. A license cannot be issued to a firm or corporation as such. Therefore, what we have to say hereafter with reference to the exemption about which you have inquired will be pertinent to the employees of public service companies, and not to the companies themselves as such.

The exemption we are concerned with, being that extended to public service company employees, embodies two expressions of exempted work or conduct. The first is "in the laying, maintenance and operation of its service mains or lines"; the second refers to "the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances."

With respect to the laying, maintenance and operation of service mains and lines, such an expression of authority indicates that the employees may do whatever is necessary to service the customers of the public service company and to facilitate and accommodate the distribution of the product that it has for sale in so far as the employee confines his conduct to the service mains and lines of the company. The authorization of exempted work on service mains and lines does not extend to piping the consumer's house or building for consumption of the gas, as there is no logical or practical connection, that we can observe, of such activity with servicing the mains or lines of the company. It is our view, therefore, that any further service by the employees of the public service company in piping the house or building for the consumer is a departure from the authorized exempted conduct allowed to such employees.

The second expression of authorized exempted conduct, which refers to the installation, alteration, adjustment, repair, removal and renovation of appurtenances, equipment and appliances, is, for all practical purposes, the same authorization as that granted in the exemption to appliance dealers. We attach no significance to the fact that the several terms "appurtenances,

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equipment and appliances" are used. In our Letter Opinion R-914, dated December 6, 1947, addressed to your office, we used the following language:

"The grant of authority to install appliances carries with it the power to do all that is necessary to render the appliance usable or serviceable for its intended purpose, which will include a union with or extension to the base piping installation on the premises in whatever position it may be found by the appliance dealer or his employee, if necessary to render the appliance serviceable. We do not restrict appliance installation to the mere application of a 'union joint' to the appliance, and the attachment by that means to a pipe outlet extending from the wall, although in a given situation that may be all that is necessary to install the appliance."

The authority "to do all that is necessary to render the appliance usable or serviceable for its intended purpose" does not grant authority to pipe the house or building.

SUMMARY

The exemption provided for employees of public service companies from the license provision of The Plumbing License Law of 1947, Acts 50th Leg., S. B. 188, does not grant such employees authority to pipe a house or building without having a State plumbing license.

Yours very truly,

APPROVED:

ATTORNEY GENERAL OF TEXAS

P. Daniel
ATTORNEY GENERAL.

By

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WC:jmc